

DEMOCRATIC REPUBLIC OF THE CONGO 1993-2003 UN Mapping Report

Violence linked to natural resource exploitation

Section II, Chapter 3 of the report (paragraphs 726-782) examines the role of the exploitation of the Democratic Republic of the Congo's rich natural resources in the perpetration of massive human rights abuses. The DRC has an abundance of natural wealth, including a multitude of minerals such as diamonds, gold, copper, cobalt, cassiterite (tin ore) and coltan, as well as timber, coffee and oil. However, these vast resources have scarcely benefited the Congolese people. Instead, they have contributed to decades of conflict, numerous serious human rights abuses and violations of international humanitarian law. The link between natural resource exploitation and human rights violations dates back to colonial times and continued throughout the three decades of President Mobutu Sese Seko's rule.

The DRC has huge economic potential; it accounts for around 17 percent of global production of rough diamonds, for example. The copper belt that runs through Katanga and Zambia contains 34 percent of the world's cobalt and 10 percent of the world's copper. Moreover, 60-80 percent of global reserves of coltan, used in the manufacture of mobile phones, computers and other electronic equipment, can be found in North and South Kivu. Yet very little of the revenue from natural resource exploitation has been used to contribute to the country's overall development or to raise its peoples' living standards. In 2003 (the last year covered by the report), the DRC ranked 167th out of 177 countries in the UN Human Development Index, with a life expectancy of no more than 43 years. (729)

The two Congolese wars of 1996 and 1998 represented a further major setback to development, "causing the destruction of a great deal of infrastructure and propagating the practice of resource pillaging inherited from Mobutu's kleptocratic regime, under the pretext of funding the war effort. Given the importance of diamonds to the country's economy, the way in which President Mobutu and, later, President Kabila managed this sector was symptomatic of the bad management and looting that took place under the country's successive governments." (731)

- With the start of the first war, natural resource exploitation became heavily militarised. Under Mobutu, the forestry and mining sectors had been primarily controlled by civilians, even though some of the profits were channelled to the military. "After 1996, however," the report states, "these sectors fell gradually under the control of the new national army, foreign armies and different armed groups. As a result, the mining, forestry and trading regions became increasingly militarised, leading to escalating violence against the civilian population." (732)
- "A growing number of foreign actors became directly involved in exploiting the DRC's natural resources. Rebel groups and armies from neighbouring countries all participated, some (such as Zimbabwe) with the blessing of the Congolese authorities, others (such as Uganda and Rwanda) either through the intermediary of their Congolese partners or connections, or by directly occupying a part of the country. Given the weakness and corruption of the central government, the DRC's wealth was within the grasp of any group violent and determined enough to impose its control by force." (732)

Over time, the warring parties' reasons for involvement changed. Initially, in 1996, the conflict appeared to be driven primarily by political, ethnic and security considerations. "During the second war, however, natural resource exploitation became increasingly attractive, not only because it enabled these groups to finance their war efforts but also because, for a large number of political/military leaders, it was a source of personal enrichment. Natural resources thus gradually became a driving force behind the war." (733)

The increasingly important economic factor partly explains the shifting alliances between different armed groups throughout the conflict. The lure of money was one of the reasons why opposing groups would sometimes suddenly join ranks or why the closest allies would unexpectedly turn against each other – the report cites the example of Rwandan and Ugandan forces fighting each other in Kisangani as "perhaps the starkest illustration of this phenomenon." Opponents sometimes even became business partners while continuing to fight each other on the ground. (735-736)

"Civilians who attempted to resist the theft of their natural resources, or who did not collaborate with those in power, were subjected to attacks. Entire villages were displaced to make way for mineral or timber

exploitation and armed groups engaged in massacres, sexual violence and cruel and inhuman treatment in the process. They also attacked and burned villages in order to seize coltan that had been mined artisanally by the residents.” (742)

In 2002, the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth came to the conclusion that all coltan mines in the east of the DRC were benefiting either a rebel group or foreign armies. “Ample evidence indicates that Rwanda and Uganda were financing their military expenditure with the profits from natural resource exploitation in the DRC. According to some estimates, the income Rwanda received provided 80 percent of all the APR's [Rwandan army] expenditure in 1999. The Ugandan army also enjoyed a considerably larger budget due to profits from the DRC's wealth... from 1998 to 2002.” A large part of the gold produced in the DRC's Ituri region “was exported through Uganda, then re-exported as if it had been produced domestically – a similar model to that used for diamond exports.” (767-68)

The illicit exploitation of natural resources in the DRC and the accompanying serious violations of human rights and international humanitarian law “could not have taken place on such a large scale had there not been customers willing to trade in these resources. Indeed, there was never any shortage of foreign buyers willing to handle these goods, despite the existence of reports denouncing the serious violations of international law committed by their trading and financial partners. Buyers included not only traders in the DRC and neighbouring countries but also private companies registered in other countries, including multinationals.” (773)

Foreign companies rarely controlled the source of the minerals, and sometimes paid the armed groups directly: “In a number of cases, foreign or multinational companies were directly involved in negotiations with perpetrators of serious human rights abuses, paying armed groups or providing them with facilities or logistics in order to exploit natural resources.” (775)

Trafficking of natural resources in the DRC, particularly during the conflict, was closely intertwined with other criminal networks, in particular those involved in arms trafficking. “Connections with these networks enabled the perpetrators of human rights abuses in the DRC to smuggle natural resources out of the country without any difficulty, using the profits to purchase arms and commit yet further human rights abuses.” (776)

“The impunity for crimes committed in the context of natural resource exploitation in the DRC reflects the broader absence of justice for violations of human rights and international humanitarian law throughout the country. The Kilwa case demonstrated the difficulty in proving the legal responsibility of private companies in the perpetration of human rights abuses and violations of international humanitarian law, even when they are supplying arms or logistical support to armed groups. This case also showed that political interference and a lack of impartiality are all the more striking when economic interests are at stake. In this incident in 2004, at least 73 people were killed apparently by the Congolese army (FARDC) in Kilwa, a town in Katanga that had fallen into the hands of a rebel group. An Australian-Canadian mining company was accused of supplying the army with logistics and transport during its military operation. In 2007, in the first case of its kind, nine Congolese soldiers and three expatriate employees of the mining company were charged with war crimes and complicity in war crimes, respectively, in connection with these events. The case could have set an important precedent in terms of corporate accountability. Instead, all the defendants were acquitted of the charges relating to the events in Kilwa, in a trial by a military court that failed to meet international standards of fairness.” (777-78)

“The abundance of natural resources in the DRC and the absence of regulation and responsibility in this sector have created a particular dynamic that has clearly contributed directly to widespread violations of human rights and international humanitarian law.” (780)

Considering the principles of individual criminal responsibility, “corporate entities such as multinationals could be ordered to pay compensation to the victims of crimes for which they are found criminally responsible by a competent court.” (1124)